

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

**STIPULATION
&
ORDER**

RESPONDENTS:

DEBRA J. EVANS

License No. 81768

PREMIER TITLE INSURANCE AGENCY, INC.

License No. 97944

6796 S. 1300 E.

Salt Lake City, UT 84121

Docket No. 2005-025 PC

Enf. Case No. 1546 & 1547

STIPULATION

1. Respondent, Premier Title Insurance Agency, Inc. ("Premier"), is a licensed title insurance agency in the State of Utah, holding License No. 97944. Respondent, Debra J. Evans ("Evans"), is a licensed title insurance agent in the State of Utah, holding License No. 81768, and is the president of Respondent Premier.

2. Respondents stipulate with the Complainant, Utah Insurance Department, as follows:

a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;

b. Respondents neither admit nor deny the Findings of Fact and Conclusions made therefrom;

c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agree to be bound by all its terms.


3. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.


4. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

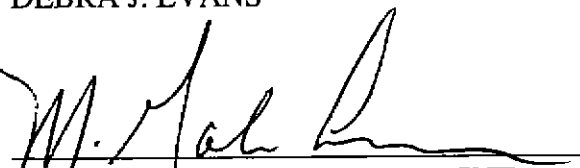
5. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

6. Respondents acknowledge that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 25 day of February, 2005.


PREMIER TITLE INSURANCE AGENCY, INC.
Debra J. Evans, President


DEBRA J. EVANS


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. During the period of November 2003 through August 2004, Respondent Premier allowed Krysta J. Pehrson, an escrow agent whose license had lapsed, to conduct 134 real estate escrow closings while she was not licensed to do so.

2. During the period of about November 6, 2002, through March 2, 2004, Respondent Evans conducted four real estate closings for Respondent Premier in which title insurance was issued, and in which she created two different HUD1's for each closing – one of the HUD1's reflected the actual transaction, and the other reflecting the closing instructions given by the lender in each transaction. The purpose of having two HUD1's was to conceal from the lender the terms of the transaction that did not comport with the lender's instructions, thus facilitating a fraud on the lender.

3. During the period of about October 25, 2002, through October 29, 2003, Respondent Evans conducted at least three real estate closings for Respondent Premier in which she issued settlement checks from the escrow trust account prior to having good funds for those disbursements in the escrow trust account, totaling at least \$50,000.00.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In allowing a person to conduct real estate closings when that person did not have an

active license as a title escrow agent, Respondent Premier violated Utah Code Annotated § 31A-23a-103(1)(c).

2. In preparing HUD1's that contained false or misleading information in connection with real estate closing in which title insurance was issued, Respondent Evans violated Utah Code Annotated § 31A-23a-402(1)(a)(i).

3. In providing false or misleading information to lenders in connection with real estate closings that facilitated fraud on the lenders, Respondent violated her fiduciary duty to the lenders and brings into question her qualification to hold an insurance license under Utah Code Annotated § 31A-23a-107(2).

4. In disbursing funds from an escrow trust account prior to having good funds in the escrow trust account for that transaction, Respondent Evans violated Utah Code Annotated § 31A-23a-406(5).

5. Respondent Evans' title insurance license and lines of authority are subject to revocation pursuant to Utah Code Annotated § 31A-23a-111(4)(b)(i) and (ii)(A), and subject to probation under Utah Code Annotated § 31A-23a-112, and Respondent Evans is further subject to the imposition of administrative forfeitures of up to \$2,500.00 per violation of the insurance code under Utah Code Annotated § 31A-2-308(1)(b)(i).

6. The acts of Respondent Evans are the acts of Respondent Premier under principals of agency and under Utah Code Annotated § 31A-23a-302(6), and Respondent Premier's license is subject to probation pursuant to Utah Code Annotated 31A-23a-112, and Respondent Premier is subject to administrative forfeitures of up to \$5,000.00 per violation of the Insurance Code pursuant to Utah Code Annotated § 31A-2-308(1)(b)(ii).

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. The escrow and title lines of authority of Respondent Debra J. Evans' title insurance license are hereby revoked forthwith.
2. Respondent Debra J. Evans is hereby assessed an administrative forfeiture in the amount of \$2,500.00, to be paid within 30 days of the date of this Order.
3. Respondent Debra J. Evans' title insurance license's remaining line of authority, marketing, is hereby placed on probation for the period of 24 months beginning with the date of this Order. The terms of probation are as follows:
 - a. Respondent Evans shall immediately resign her position as president of Respondent Premier Title Insurance Agency, Inc., and shall divest herself of all ownership of Premier Title Insurance Agency, Inc., said divestiture to be completed within 2 weeks of the date of this Order.
 - b. Respondent Evans shall immediately remove herself as a signatory on any of the trust accounts of Respondent Premier.
 - c. Respondent Evans shall not be employed by any entity licensed to do title business in the State of Utah unless specifically authorized under this Order or another order of the commissioner or in writing by the department.
 - d. Respondent may be employed by Respondent Premier as a title marketing representative and in no other capacity as long as there is in place a written agreement by a person acceptable to the department to supervise the activities of Respondent Evans to assure compliance with the requirements of the Utah Insurance Code and Rules and any orders of the commissioner.

e. Respondent Evans shall pay the administrative forfeiture assessed herein in a timely manner.

f. Respondent Evans shall have no further violations of the Utah Insurance Code or Rules or of any order of the Commissioner.

4. Respondent Premier Title Insurance Agency, Inc. is hereby assessed an administrative forfeiture in the amount of \$2,500.00, to be paid within 30 days of the date of this Order.

5. Respondent Premier shall, as a condition of employing Respondent Evans, review all business brought in by Respondent Evans prior to a closing occurring to assure that the transaction is not being conducted in a manner to constitute a fraud on any party or in contravention of law.

6. Respondent Premier Title Insurance Agency, Inc.'s license is hereby placed on probation for the period of 12 months. The terms of probation are as follows:

a. Respondent Premier shall pay the administrative forfeiture assessed herein in a timely manner.

b. Respondent Premier shall expend all reasonable efforts to assure compliance by Respondent Evans with the terms of this Order.

c. Respondent Premier shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

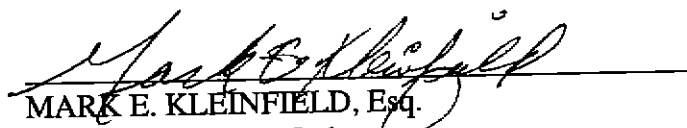
NOTIFICATION

You are hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$2,500.00 per violation for an individual licensee and of up to \$5,000.00 per violation for an agency licensee, and the suspension or revocation of your license, and the filing of an action to enforce this Order in the

District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

DATED this 25th day of February, 2005.

D. KENT MICHIE
INSURANCE COMMISSIONER


MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF MAILING

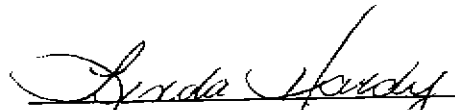
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

**STIPULATION
&
ORDER**

To the following:

**Debra J. Evans
&
Premier Title Insurance Agency, Inc.
6795 So. 1300 E
Salt Lake City, UT 84121**

DATED this 25th day of February, 2005


Linda Hardy Insurance Technician
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
(801) 538-3813